

Message Text

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ORIGIN OES-07

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LIMITED OFFICIAL USE STATE 172521

C O R R E C T E D C O P Y (ARTICLE VI, LINES FOUR AND FIVE)

E.O. 11652: N/A

TAGS: TGEN, VE

SUBJECT: PROPOSED AGREEMENT FOR SCIENTIFIC AND TECHNOLOG-
ICAL COOPERATION

REF: A) STATE 101507, B) CARACAS 6390, C) CARACAS 6392,
D) CARACAS 6959

1. WE HAVE REVIEWED REDRAFT SUBMITTED REF (B) AND MADE
SOME REVISIONS. IN ADDITION WE HAVE ADDED LANGUAGE
IN THE PREAMBLE AND IN REVISED ARTICLE III REGARDING
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ENVIRONMENTAL MATTERS AS PROPOSED REF (C).DEPARTMENT
CONTEMPLATES THAT ASINGLE AGREEMENT WOULD COVER BOTH
S&T AND ENVIRONMENTAL COOPERATION.

2. FOLLOWING IS REVISED TEXT FOR FURTHER NEGOTIATION
WITH GOV:

BEGIN TEXT

-- AGREEMENT FOR SCIENTIFIC AND TECHNOLOGICAL

- COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED
- STATES OF AMERICA AND THE GOVERNMENT OF VENEZUELA

- THE GOVERNMENT OF VENEZUELA AND THE GOVERNMENT OF THE

UNITED STATES OF AMERICA, HEREAFTER REFERRED TO AS "THE PARTIES":

- WISHING TO STRENGTHEN THE BONDS OF FRIENDSHIP AND COOPERATION BETWEEN THE TWO COUNTRIES;
- UNDERSTANDING THE IMPORTANCE OF ENDOGENOUS SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES IN ECONOMIC AND SOCIAL DEVELOPMENT;
- DESIRING TO JOIN FORCES TO CONSERVE, IMPROVE AND PRESERVE THE ENVIRONMENT AND RENEWABLE NATURAL RESOURCES OF THE WESTERN HEMISPHERE THROUGH RESEARCH AND INTERCHANGE OF EXPERIENCE AND;
- RECOGNIZING THAT INTERNATIONAL COOPERATION OFFERS POTENTIAL TO STRENGTHEN THE SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES OF ALL COUNTRIES;
- HAVE AGREED AS FOLLOWS:

--- ARTICLE I
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- THE TWO PARTIES SHALL PROMOTE SCIENTIFIC AND TECHNOLOGICAL COOPERATION FOR PEACEFUL PURPOSES IN AREAS OF MUTUAL INTEREST.
- THE PRINCIPAL PURPOSES OF THIS AGREEMENT ARE TO STRENGTHEN SCIENTIFIC AND TECHNOLOGICAL CAPABILITIES OF THE PARTIES AND BROADEN AND EXPAND RELATIONS BETWEEN THE SCIENTIFIC AND TECHNOLOGICAL COMMUNITIES IN BOTH COUNTRIES;

ARTICLE II

- COOPERATION UNDER THIS AGREEMENT MAY INCLUDE THE EXCHANGE OF SCIENTIFIC AND TECHNOLOGICAL INFORMATION, CONDUCT OF JOINT RESEARCH PROJECTS, THE EXCHANGE OF SCIENTISTS AND TECHNICAL EXPERTS, THE CONVENING OF SEMINARS AND MEETINGS OF EXPERTS, AND ANY OTHER FORM OF SCIENTIFIC AND TECHNOLOGICAL COOPERATION WHICH MAY BE AGREED UPON BETWEEN THE TWO PARTIES.

ARTICLE III

- COOPERATION AS DESCRIBED IN ARTICLE II MAY INCLUDE ACTIVITIES RELATED TO THE PRESERVATION AND RESTORATION OF THE ENVIRONMENT AND RENEWABLE NATURAL RESOURCES, AND CONSERVATION OF FLORA AND FAUNA.

ARTICLE IV

--PURSUANT TO THE TERMS OF THIS AGREEMENT, THE TWO PARTIES
WILL ENCOURAGE AND FACILITATE, WHEN THEY CONSIDER IT APPRO-

PRIATE, DIRECT CONTACT AND COOPERATION BETWEEN GOVERN-
MENTAL AGENCIES, UNIVERSITIES, RESEARCH CENTERS, FIRMS
AND OTHER INSTITUTIONS OF THE TWO COUNTRIES HEREAFTER
REFERRED TO AS "COOPERATING ENTITIES", AS WELL AS THE
CONCLUSION, UNDER EQUITABLE TERMS AND CONDITIONS, OF
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IMPLEMENTING ARRANGEMENTS FOR THE CONDUCT OF COOPERATIVE
ACTIVITIES UNDER THIS AGREEMENT.

ARTICLE V

--THE TWO PARTIES MAY, IN APPROPRIATE CASES, INVITE
SCIENTISTS, TECHNICAL EXPERTS, GOVERNMENTAL AGENCIES,
FIRMS AND OTHER INSTITUTIONS OF THIRD COUNTRIES OR
INTERNATIONAL ORGANIZATIONS TO PARTICIPATE IN PROJECTS
AND PROGRAMS BEING CARRIED OUT UNDER THIS AGREEMENT.

ARTICLE VI

--SHOULD EITHER PARTY OR AN AGENCY THEREOF WISH TO AVAIL
ITSELF OF TECHNICAL OR PROFESSIONAL SERVICES AVAILABLE
FROM THE OTHER PARTY, THE ASSUMPTION OF COSTS, BOTH
DIRECT AND INDIRECT, BE AGREED UPON BY THE INSTITUTIONS OR
AGENCIES INVOLVED.

ARTICLE VII

--EACH OF THE PARTIES SHALL, TO THE EXTENT PERMITTED BY
APPLICABLE LAWS AND REGULATIONS, ADOPT NECESSARY MEASURES
TO FACILITATE THE ENTRY INTO
-- AND EXIT FROM THEIR RESPECTIVE TERRITORIES OF
THOSE PERSONS AND THEIR DEPENDENTS WHO MAY CARRY OUT
ACTIVITIES UNDER THIS AGREEMENT OR UNDER ARRANGEMENTS
ESTABLISHED IN CONFORMITY WITH ARTICLE IV. THE PERSONAL
EFFECTS OF THE PERSONS REFERRED TO IN THIS ARTICLE, AS
WELL AS THE EQUIPMENT NECESSARY FOR THE EXERCISE OF
THEIR ACTIVITIES, WILL BE ADMITTED DUTY FREE ON A TEM-
PORARY BASIS IN CONFORMITY WITH THE LEGISLATION OF EACH
CONTRACTING PARTY.
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ARTICLE VIII

--COOPERATIVE ACTIVITIES REFERRED TO IN THE PRESENT AGREE-

MENT SHALL BE SUBJECT TO THE LAWS OF THE PARTY IN WHOSE TERRITORY THEY TAKE PLACE AND SHALL BE SUBJECT TO THE AVAILABILITY OF APPROPRIATED FUNDS. NOTWITHSTANDING THE FOREGOING, THE ALLOCATION OF INDUSTRIAL AND INTELLECTUAL PROPERTY RIGHTS ARISING UNDER COOPERATIVE ACTIVITIES CARRIED OUT UNDER THIS AGREEMENT SHALL BE MADE IN ACCORDANCE WITH ARTICLE IX.

ARTICLE IX

-- THE PARTIES, OR IN APPROPRIATE CASES, THE COOPERATING ENTITIES, SHALL AGREE UPON THE ALLOCATION OF INDUSTRIAL AND INTELLECTUAL PROPERTY RIGHTS ARISING OUT OF COOPERATIVE ACTIVITIES UNDER THIS AGREEMENT OR ANY IMPLEMENTING ARRANGEMENTS MADE PURSUANT TO THIS AGREEMENT.

ARTICLE X

--DESIGNATED REPRESENTATIVES OF THE TWO PARTIES SHALL MEET WHEN NECESSARY IN ORDER TO EVALUATE PROGRESS IN THE PROGRAMS, PROJECTS AND ACTIVITIES UNDERTAKEN UNDER THIS AGREEMENT, AND TO FURTHER THEIR IMPLEMENTATION. GROUPS OF EXPERTS MAY BE DESIGNATED TO DISCUSS SPECIAL QUESTIONS.

ARTICLE XI

--NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO PREJUDICE OTHER ARRANGEMENTS FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION BETWEEN THE TWO PARTIES WHICH MAY EXIST PRIOR TO THE DATE OF THIS AGREEMENT.

ARTICLE XII

--ALL DIFFERENCE OR CONTROVERSIES WHICH MAY ARISE BELIMITED OFFICIAL USE
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TWEEN THE PARTIES REGARDING INTERPRETATION OR APPLICATION OF THE PROVISIONS OF THIS AGREEMENT SHOULD BE RESOLVED THROUGH DIPLOMATIC MEANS.

ARTICLE XIII

--1. THE PRESENT AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF SIGNATURE, SHALL HAVE A DURATION OF FIVE YEARS, AND MAY BE EXTENDED OR MODIFIED BY MUTUAL AGREEMENT BETWEEN THE PARTIES.

--2. THE EXPIRATION OF THIS AGREEMENT SHALL NOT BY ITSELF AFFECT THE VALIDITY OR DURATION OF ANY AGREEMENT OR ARRANGEMENT MADE UNDER IT.

--3. THIS AGREEMENT MAY BE TERMINATED BY EITHER OF THE PARTIES, UPON SIX MONTHS NOTICE IN WRITING TO THE OTHER PARTY.

--4. ANY TERMINATION WILL NOT AFFECT THE PROGRAMS AND PROJECTS UNDERWAY EXCEPT AS THE TWO PARTIES MAY AGREE.

DONE AT -- THIS -- DAY OF--IN DUPLICATE, IN THE ENGLISH

AND SPANISH LANGUAGES, BOTH BEING EQUALLY AUTHENTIC.

END TEXT

3. FOR EMBASSY INFORMATION IN NEGOTIATIONS, FOLLOWING IS EXPLANATION OF THE MORE SIGNIFICANT CHANGES IN THE GOV REDRAFT (ARTICLE REF IS TO GOV REDRAFT SHOWN REF B). BECAUSE WE HAVE ADDED AN ARTICLE DEALING WITH THE ENVIRONMENT (ARTICLE III OF REVISED DRAFT),ARTICLE III LIMITED OFFICIAL USE
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THROUGH XI IN THE GOV REDRAFT (REF B) ARE NOW ONE NUMBER HIGHER IN THE REVISED DRAFT DETAILED IN PARA 2.

--A) PREAMBLE - WE HAVE OMITTED THE REFERENCE TO UNCTAD SINCE WE FELT THAT A BILATERAL AGREEMENT OF THIS TYPE SHOULD NOT BE TIED TO A MULTILATERAL ARRANGEMENT. WE ALSO OMITTED THE SPECIAL IMPORTANCE OF S&T TO DEVELOPING COUNTRIES SINCE IT IS IMPORTANT TO ALL COUNTRIES, INCLUDING U.S..

--B) ARTICLE I - WE THOUGHT IT ADVISABLE TO OMIT AS A PRINCIPAL PURPOSE OF THE AGREEMENT THE ACCELERATION OF TECHNOLOGY TRANSFER.

--C) ARTICLE II AND III - WE OMITTED REFERENCES TO TRAINING AND QUALIFYING HUMAN RESOURCES ON THE GROUNDS THAT SUCH ACTIVITIES WOULD BE SUITED TO OTHER TYPES OF PROGRAMS SUCH AS EDUCATIONAL EXCHANGES.

--D) ARTICLE VI - WE HAVE OMITTED PARA 1 OF THE GOV PROPOSED ARTICLE. WE BELIEVE THAT OUR REVISION OF PARA 2 OF GOV PROPOSED ARTICLE VI (NOW ARTICLE VII OF REVISED DRAFT) SHOULD PROVIDE ADEQUATE BASIS FOR ENTRY AND EXIT OF PERSONS AND EQUIPMENT AND THUS ELIMINATE THE NEED FOR AN EXCHANGE OF DIPLOMATIC NOTES. FURTHER ARRANGEMENTS, IF NECESSARY, CAN BE MADE IN THE IMPLEMENTING ARRANGEMENTS REFERRED TO IN ARTICLE IV OF THE REVISED DRAFT.

--E) ARTICLE VIII - GOV PROPOSAL HAS BEEN REVISED AND SHORTENED, HOWEVER WE BELIEVE THAT THE SENSE OF THE GOV PROPOSAL HAS BEEN RETAINED; I.E., THAT PROPERTY RIGHTS WILL BE AGREED TO IN SUBSEQUENT ARRANGEMENTS MADE PURSUANT TO THIS AGREEMENT.

--B) ARTICLE XI - WE HAVE DELETED PARA 1 OF GOV REDRAFT

SINCE THE GOV MAY UNILATERALLY DESIGNATE ANY OF ITS
AGENCIES AS EXECUTIVE AGENT FOR THIS AGREEMENT WITHOUT
THE NECESSITY FOR IT BEING INCLUDED IN THE BILATERAL
AGREEMENT.

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4. IF EMBASSY CONSIDERS IT NECESSARY, PLEASE EXPLAIN TO THE
MINISTRY OF ENVIRONMENT AND RENEWABLE NATURAL RESOURCES,
THAT WE APPRECIATED RECEIVING TEXT CONTAINED REF C

BUT BELIEVE THAT SINGLE TEXT AS PROPOSED ABOVE WOULD
MEET FULLY ENVIRONMENTAL IMPERANBES. VANCE

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